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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/744,054	03/29/2001	Kenneth Austin	ROY-010	2403
2387	7590	09/15/2005	EXAMINER	
OLSON & HIERL, LTD. 20 NORTH WACKER DRIVE 36TH FLOOR CHICAGO, IL 60606			CHEVALIER, ROBERT	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 09/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/744,054

Applicant(s)

AUSTIN, KENNETH

Examiner

Bob Chevalier

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 6-14, are rejected under 35 U.S.C. 102(e) as being anticipated by Daniels.

Daniels discloses a video recording/reproducing apparatus that shows all the limitations recited in claims 1, 6, and 14, including the feature of digitally recording a continuous sequential signal transmission on a recording medium and subsequently reading the recorded signals while continuing to record the real time transmission on the digital recording medium, and converting the recovered signals into a screen readable form and viewing on a television (See Daniels' page 3, paragraph [0031]), and the feature of automatically recording the continuous sequential signal transmission when other temporary text and/or graphics are present on screen as specified in the present claims 1, 6, and 14. (See Daniels' page 2, paragraph [0021], lines 8-10).

With regard to claims 2, and 7, the feature of the recording medium being divided into a plurality of memory blocks and recording said blocks sequentially would be present in the cited reference of Daniels. Applicant's attention is directed to the

recording tracks that are inherently present in conventional recording medium such as the one shown in Daniels.

With regard to claim 8, the feature of the control means for instigating writing and reading functions as specified thereof is present in Daniels. (See Daniels' Figure 2, components 32, and 24).

With regard to claim 9, the feature of generating on screen display from which the write or reading options can be selected as specified thereof would be present in Daniels. (See Daniels' page 6, paragraph [0085], lines 8-15).

With regard to claim 10, the feature of identifying where in the memory the current write command was commenced and means for directing the read head to commence reading from the same place on receipt of a read command as specified thereof is present in Daniels. (See Daniels' page 7, paragraphs [0089-0090]).

With regard to claims 11-12, the feature of the control means initiating the operation of a videocassette recorder to record the signal transmission as specified thereof would be present in Daniels. (See Daniels' page 4, paragraph [0032], line 3).

With regard to claim 13, the feature of the storage medium being one of a hard disk or digital videodisk as specified thereof is present in Daniels. (See Daniels' page 4, paragraph [0032], lines 2-5).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels in view of the submitted prior art of Hirotooshi et al (EP 0 713334 A2).

Daniels discloses a video recording/reproducing apparatus that shows substantially the same limitations recited in claim 3, including the feature of writing the sequential data on recording medium as specified thereof. (See Daniels' page 4, paragraph [0032], lines 1-5).

Daniels fails to specifically disclose the feature of writing over the previously recorded memory block when the available capacity of unrecorded memory blocks is exceeded as specified in the present claim 3.

Hirotooshi et al discloses a recording apparatus which includes the capability of writing over the previously recorded memory block when the available capacity of unrecorded memory blocks is exceeded as specified in the present claim 3. (See Hirotooshi et al's abstract).

It would have been obvious to one skilled in the art to modify the Daniels apparatus wherein the recording means provided thereof would incorporate the capability of recording over the previously recorded memory block when the available capacity of unrecorded memory blocks is exceeded in the same conventional manner as is shown by Hirotooshi et al. The motivation is to accurately record the supplying data as suggested by Hirotooshi et al.

With regard to claim 4, the feature of instigating the operation of a videocassette recorder to record the signal transmission as specified thereof would be present in Daniels. (See Daniels' page 4, paragraph [0032], line 3).

With regard to claim 5, the feature of instigating the recording or reading step being selected from on screen menu as specified thereof would be present in Daniels. (See Daniels' page 6, paragraph [0085], lines 8-15).

Response to Arguments

5. Applicant's arguments filed 7/27/05 have been fully considered but they are not persuasive. Applicant needs to submit an argument under the heading "Remarks" pointing out disagreements with the examiner's contentions. Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 571-272-7374. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

B. Chevalier
September 12, 2005.


ROBERT CHEVALIER
PRIMARY EXAMINER